

Enclosure of December 6, 2004

Your ref.: W08341      Our ref.: DE 40361

German Patent Application No.: 103 55 238.3-23

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Title: "ENTRAPPED DETECTING DEVICE FOR OPENING-CLOSING  
MEMBER"**TRANSLATION****of the Official Letter of October 28, 2004  
(rec'd November 15, 2004)**

In the present Official Letter, the following references are mentioned for the first time (the numbering assigned thereto shall also be adhered to in the further course of the proceedings):

/1/ DE 198 47 080 C2

/2/ DE 198 10 077 A1

The examination is based on claims 1 to 7.

From document /1/, particularly Fig. 3, the skilled person can gather an entrapped detection device of an opening-closing member which is opening and closing an opening portion of a vehicle body, comprising the following components:

- a driving power source for moving the opening-closing member;
- a motivity transmission member provided between the opening-closing member and the driving power source;
- a deformation member (here the motivity transmission member itself) configured to be deformed via the motivity transmission member in accordance with the load applied to the opening-closing member at an opening-closing operation of the opening-closing member;

- a strain gauge assembled to the deformation member and configured to convert a strain according to the deformation of the deformation member to an electric signal;
- a control mechanism for detecting an entrapment of an external object based on the electric signal from the strain gauge.

Thus, the device according to claim 1 is completely suggested to the skilled person.

Therefore, claim 1 is not allowable for lack of novelty.

Applying the teaching according to document /1/ to a subject matter according to document /2/, particularly Fig. 1, does not require an inventive activity, since the same skilled person is active here (cf. Fig. 4 in document /2/).

The concrete technical development of the entrapped detection device according to Fig. 7 and 8, however, seems to be patentable subject to the further examination. Therefore, the applicant is given the opportunity to file a new claim 1 based thereon.

The present documents are not suitable for the grant of a patent.

Examining Division for class **E 05 F**  
**Hanschke**